

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK

OCT 24 2007

COURT OF APPEALS  
DIVISION TWO

|                        |   |                            |
|------------------------|---|----------------------------|
| THE STATE OF ARIZONA,  | ) |                            |
|                        | ) |                            |
| Respondent,            | ) | 2 CA-CR 2007-0129-PR       |
|                        | ) | DEPARTMENT B               |
| v.                     | ) | <u>MEMORANDUM DECISION</u> |
|                        | ) | Not for Publication        |
| RAUL MENDOZA CARRASCO, | ) | Rule 111, Rules of         |
|                        | ) | the Supreme Court          |
| Petitioner.            | ) |                            |
| _____                  | ) |                            |

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-67380

Honorable Howard Fell, Judge Pro Tempore

REVIEW GRANTED; RELIEF DENIED

\_\_\_\_\_  
Raul Mendoza Carrasco

\_\_\_\_\_  
Florence  
In Propria Persona

\_\_\_\_\_  
E C K E R S T R O M, Presiding Judge.

¶1 Petitioner Raul Mendoza Carrasco was charged with unlawful possession of a narcotic and possession of drug paraphernalia. Pursuant to a plea agreement, he was convicted of solicitation to possess cocaine and possession of drug paraphernalia. He was sentenced in this cause to concurrent, presumptive prison terms of one year on each

conviction. At the same time, he was sentenced to a concurrent, mitigated, ten-year prison term for child molestation in CR-20001906 after a jury trial was held in his absence.<sup>1</sup> Carrasco filed a notice of post-conviction relief in this case pursuant to Rule 32, Ariz. R. Crim. P., in April 2006. Appointed counsel, R. Lamar Couser, filed a notice of review in lieu of filing a petition, pursuant to Rule 32.4(c)(2), stating he had been unable to find any “meritorious and non-frivolous issues which might constitute a colorable claim.” Although the trial court gave Carrasco additional time to file a supplemental, pro se petition, he failed to do so, and the trial court summarily dismissed the notice of post-conviction relief. This petition for review followed.

¶2 In his petition for review, Carrasco contends he did not file a supplemental petition because he was confused and believed this cause had been consolidated with CR-20001906. He maintains he was further confused by a letter he received from an assistant public defender, dated February 23, 2007, which he attached to his petition. Although Carrasco’s contention is plausible based on the contents of that letter, he has not presented that contention to the trial court. *See* Ariz. R. Crim. P. 32.9 (any party aggrieved by trial court ruling in Rule 32 proceeding may file motion for rehearing). We do not address arguments raised for the first time in a petition for review.

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<sup>1</sup>Carrasco appealed that conviction and the sentence imposed. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969). Carrasco has filed a supplemental brief; the appeal is pending. *State v. Carrasco*, No. 2 CA-CR 2006-0106.

¶3 Accordingly, while we grant Carrasco’s petition for review, we deny relief.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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GARYE L. VÁSQUEZ, Judge

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JOSEPH W. HOWARD , Judge